

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

PRIYA SAXENA,

Plaintiff,

vs.

KRISTI NOEM, in her official capacity
as Secretary of Homeland Security; THE
DEPARTMENT OF HOMELAND
SECURITY; and TODD LYONS, in his
official capacity as Acting Director of
U.S. Immigration and Customs
Enforcement,

Defendants.

5:25-CV-05035-KES

ORDER GRANTING PLAINTIFF'S
MOTION TO EXTEND TEMPORARY
RESTRAINING ORDER

Plaintiff, Priya Saxena, moves this court to extend an existing Temporary Restraining Order (TRO) for a period of fourteen days. Docket 17. For the reasons stated below, the court grants the extension request.

On April 18, 2025, the court entered a TRO, requiring defendants to reinstate Saxena's student status in the Student and Exchange Visitor Information System (SEVIS), retroactive to April 4, 2025. Docket 8 at 8. The TRO further enjoined defendants from taking any additional enforcement action against Saxena arising from termination of her SEVIS record or visa, and enjoined defendants from transferring Saxena out of the court's jurisdiction during these proceedings. *Id.* at 7.

Saxena now requests that the TRO be extended to May 16, 2025. Docket 17. Saxena argues that good cause exists to extend the TRO another fourteen

days because this would allow Saxena to graduate from her Ph.D. program on May 10, 2025. Docket 19 at 2. Saxena argues that extending the TRO will also protect her from arrest and deportation until the court's preliminary injunction hearing, currently scheduled for May 13, 2025. *Id.*; Docket 15. Defendants object to an extension of the TRO. Docket 21. Defendants argue that because Saxena's SEVIS record has been reinstated, she is not prevented from graduating from her Ph.D. program. *Id.*; *see also* Docket 16 at 6-7; Docket 18.

The court finds that good cause exists to extend the TRO. While ICE has issued a new policy generally applicable to F-1 nonimmigrants students and their SEVIS records, *see* Docket 18 at 2-3, it is unclear what effect this policy will have on Saxena's SEVIS status. It is also unclear whether allowing the TRO to expire would potentially result in a re-termination of Saxena's SEVIS record. Other courts have found that the uncertainty surrounding ICE's recent policy shift on SEVIS records warrants extending a TRO in similar circumstances. *See, e.g., Jin v. Noem*, 2025 WL 1235427, at *1 (D. Minn. Apr. 29, 2025) (finding that good cause existed to extend a TRO where it was unclear what effect ICE's reinstatement of SEVIS records will have on plaintiffs whose SEVIS records were reinstated per a court order); *Ratsaniboon v. Noem*, 2025 WL 1235416, at *1 (D. Minn. Apr. 29, 2025) (finding same). Additionally, the unexpected changes to Saxena's SEVIS status could prevent her from graduating on May 10, 2025, thus jeopardizing the work and time she has put into her five-year Ph.D. program. Given the importance of her graduation, and

the current uncertainty surrounding SEVIS records, the court finds that there is good cause to extend the TRO for another fourteen days.

CONCLUSION

Based on the above, it is ORDERED:

1. Saxena's motion to extend the temporary restraining order (Docket 17) is granted. Defendants remain temporarily enjoined from taking any enforcement action against Saxena arising directly or indirectly from the termination of her SEVIS record or visa.
2. Defendants also remain temporarily enjoined from interfering with Saxena's freedom and from transferring Saxena out of the jurisdiction of the District of South Dakota during these proceedings.
3. Defendants are also required to continue to set aside their determination to mark Saxena's F-1 student status as terminated. Defendants shall ensure that Saxena's student status and SEVIS authorization, remain active, retroactive to April 4, 2025.
4. This order shall take effect immediately and shall remain in effect until the sooner of May 16, 2025, or further order of the court on the motion for preliminary injunction.

Dated May 2, 2025.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE